

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

**IN RE: Kroger Company  
Securities Litigation**

**Case No. 1:01-cv-265**

**JUDGMENT**

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that** Defendants' motion to dismiss is **GRANTED** and the consolidated complaint is **DISMISSED WITH PREJUDICE** as to both defendants.

Date: February 10, 2004

James Bonini, Clerk

By: s/Mary C. Brown  
Mary C. Brown, Deputy Clerk